

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**FRANCISCO GARCIA, and  
GREGORIO LOPEZ,**

**Plaintiffs,**

**v.**

**ISA CONWAY d/b/a  
C & M CONSTRUCTION,  
Defendant.**

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**No. 3:10-1069  
Judge Sharp**

**ORDER**

In this action seeking unpaid wages and overtime pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 (“FLSA”), the Magistrate Judge has issued a Report and Recommendation (“R & R”) (Docket No. 20) in which he recommends that Plaintiffs’ unopposed Motion for Entry of Default Judgment (Docket No. 15) be granted. Despite being specifically advised in the R & R that any objections to the recommended default judgment be filed within fourteen days, Defendant has filed no objections.

Having conducted a *de novo* review of the matter in accordance with Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge’s recommendations that default judgments be entered in favor of both Plaintiffs based upon the uncontroverted evidence that Plaintiffs were not paid in accordance with the mandates of the FLSA. Accordingly,

- (1) The R & R (Docket No. 20) is hereby ACCEPTED and APPROVED;
- (2) Plaintiffs’ Motion for Entry of Default Judgment (Docket No. 15) is hereby GRANTED;
- (3) A JUDGMENT shall be entered in FAVOR OF Plaintiff Francisco Garcia and AGAINST Defendant ISA Conway d/b/a C & M Construction for unpaid wages and overtime in the total

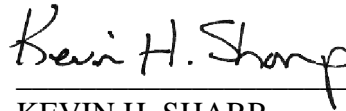
amount of \$897.00, plus an additional equal amount in liquidated damages pursuant to 29 U.S.C. § 216(b) for a total amount of \$1,794.00, plus costs and a reasonable attorney's fee;

(4) A JUDGMENT shall be entered in FAVOR OF plaintiff Gregorio Lopez and AGAINST Defendant ISA Conway d/b/ C & M Construction for unpaid wages and overtime in the amount of \$1,947.00, plus an additional equal amount of unliquidated damages pursuant to 29 U.S.C. § 216(b) for a total amount of \$3,894.00, plus costs and a reasonable attorney's fee; and

(5) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with the foregoing and pursuant to Federal Rule of Civil Procedure 58.

It is SO ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE